



## FAX TRANSMISSION

CITY OF CINCINNATI

LAW DEPARTMENT

ROOM 214 CITY HALL

801 PLUM STREET

PHONE: 513-352-3334

FAX: 513-352-1515

To: Jessica Powell

Date: 12/14/06

Fax #: 241-7871

Pages: 4  
(INCLUDING THIS PAGE)

From: Deb Allison

Phone #: 513-352- 3337

Subject: Meisenholder Claim

### COMMENTS:

let me know if  
you need anything  
else. Thanks!  
Deb

1:02CV10  
FEB -1 PM 2:35

FILED  
JAMES BONINI  
CLERK

This message may constitute privileged attorney-client communication or attorney work product, and unauthorized use or disclosure is prohibited. If you are not the intended recipient of this message, please advise us by calling (513)352-3334 and forward the received material to us by mail at the address above.

# City of Cincinnati



Office of City Solicitor  
Courts Division  
Claims/Collections  
and Revenue Recovery

1/21/2004

Room 126, City Hall  
801 Plum Street  
Cincinnati, Ohio 45202-5705  
Phone (513) 352-3334  
FAX (513) 352-3306

J. Rita McNeil  
*City Solicitor*

Ernest F. McAdams, Jr.  
*City Prosecutor*

Pauline Meisenhelder  
1363 Princess Court  
Cincinnati, Ohio 45215

Dear Mr./Ms. Meisenhelder:

This letter is to acknowledge that the City Solicitor's Office has received your claim for damages.

We are sensitive to your situation, however, as with all claims, the City of Cincinnati must conduct a full investigation.

While we are conducting our investigation, if you have not already done so, please send the following information to the Office of the City Solicitor, Attention: Claims Administrator, 801 Plum Street, Room 214, Cincinnati, Ohio 45202:

1. Any documentation related to the amount of your damages (receipts, estimates, bills, etc.).
2. A copy of your insurance coverage related to your claim.

Please be informed that pursuant to Section 2744.05(B) of the Ohio Revised Code, if the City of Cincinnati is liable for the claimed damages, it is only liable for the amount that is not covered by insurance. If you need further explanation concerning the above, please call me at 352-1577.

The Claims Administrator will notify you by mail of the decision regarding your claim at the completion of the investigation.

Sincerely yours,

Anita A. Boulmetis  
Claims Administrator

AAB/lm

**Boulmetis, Anita**

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**From:** Madden, Dennis  
**Sent:** Friday, February 08, 2004 8:08 AM  
**To:** Boulmetis, Anita; Johnson, Julia; Campbell, Bob; Pat Esposito (E-mail)  
**Cc:** Minges, G Stephen; Johnstone, Ralph  
**Subject:** Response RE: 363 Princess Court - Claim for WIB #94

Anita,

We discussed this claim yesterday. I want to confirm the conversation and provide you documentation for this case. The documents submitted by Pauline Meisenhelder of 363 Princess Court in Woodlawn, Ohio 45215 clearly identify that the blockage and the broken pipe were on private property. Specifically, the AA Plumbing Inc. receipt, #20230, states that roots were found in the private lateral. The second receipt, #20231, states that the private lateral was replaced from the clean out, "outside the building up to sidewalk." This repair is also on private property. Both the cleaning of the lateral and the replacement of the lateral from the house to the sidewalk are property owner responsibility.

We note that MSD responded to this Water In the Basement (WIB) and approved that clean up services be performed at that site. We have been performing an audit of the January 2 - 4 rain event and have found that we inadvertently performed a WIB clean-up. We are evaluating our procedures and will make corrections to avoid this conflict. If you need additional information or have questions, please call or email me.

DM<sup>2</sup>

# City of Cincinnati



Office of City Solicitor  
Courts Division  
Claims/Collections  
and Revenue Recovery

Room 126, City Hall  
801 Plum Street  
Cincinnati, OH 45202-5705  
Phone (513) 352-7334  
FAX (513) 352-7306

J. Rita McNeely  
City Solicitor

Ernest F. McAdams, Jr.  
City Prosecutor

March 19, 2004

Pauline Meisenhelder  
363 Princess Court  
Cincinnati, Ohio 45215

Dear Ms. Meisenhelder:

We have completed our review of your claim for damage to your property on January 4, 2004, at 363 Princess Court, in Cincinnati, Ohio.

The Metropolitan Sewer District (MSD) reports that the cause of your sewer backup was a problem in your house lateral. Under the Metropolitan Sewer District's Regulation, the property owner is responsible for the maintenance of the building lateral from the building to the public sewer line. Metropolitan Sewer District is only responsible for the replacement of the building lateral that is located in the right of way.

Therefore, based upon the facts, the City of Cincinnati Metropolitan Sewer District cannot be responsible for your damages. We must deny your claim. If you wish to appeal this decision, you may do so through the State of Ohio court system.

Sincerely,

Anita A. Boulmetis  
Claims Administrator

cc: MSD

Enclosure

Meisenhelder, Pauline

# City of Cincinnati



Office of City Solicitor

December 12, 2006

Jessica Powell  
201 East Ninth Street, Suite 200  
Cincinnati, OH 45202

Room 214, City Hall  
801 Plum Street  
Cincinnati, Ohio 45202  
Phone (513) 352-3334  
FAX (513) 352-1515

J. Rita McNeil  
*City Solicitor*

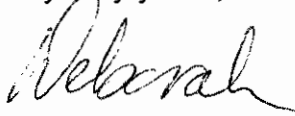
RE: Meisenhelder WIB Claim - 363 Princess Court

Dear Jessica:

Pursuant to your email request of December 11, 2006, enclosed please find all of the original documents provided Ms. Pauline Meisenhelder, of 363 Princess Court, to the City of Cincinnati relating to her WIB claim stemming from an incident on or around January 4, 2004.

Please do not hesitate to contact me if you should need further assistance.

Very truly yours,

  
Deborah Wyler Allison  
Assistant City Solicitor

Cc: Shirley Lenzly

RECEIVED  
DEC 13 2006  
L-100

SOLICITOR'S OFFICE  
**METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI**  
**WATER-IN-BASEMENT (WIB) CLAIM FORM**

You should complete this claim form if you experienced property damage in connection with a flooded basement, also known as a "water-in-basement occurrence" or "WIB", and believe that the flooding was the result of negligence on the part of the Metropolitan Sewer District of Greater Cincinnati ("MSD").

If the WIB was the result of MSD's negligence, MSD and the City of Cincinnati want to see that you are compensated fairly and in accordance with the law for any property damage that may have resulted.

Once you submit this claim, the Claims Section of the City of Cincinnati's Law Department will investigate the cause of the WIB. If the Claims Section determines that MSD was negligent, the Claims Section will attempt to settle your claim by offering you a reasonable sum of money. The amount of money the Claims Section offers you will be based on your documented damages. For that reason, it is to your benefit to cooperate in providing the information requested on this form and in responding to any additional requests from the Claims Section for information about your damages.

If you have questions at any time regarding the status of your claim, please call the Law Department Claims Section at (513) 352-3334.

**GENERAL INFORMATION.** *To be completed by claimant.*

Name of Claimant: Pauline Weisenhelder

Address of WIB: 363 Princess Court

City, Village or Township: Woodlawn, Ohio Zip Code: 45215

Unit #, if applicable: \_\_\_\_\_ Day time phone number: 513-771-4656

Type of property: ☒ Single Family Residence  
 (check one)  
☐ Multi-Family Residence (# of Units: \_\_\_\_\_)  
☐ Business

When did this WIB occurrence begin?

January 4, 2004

Did you report this WIB incident to MSD?

☒ Yes ☐ No

If you reported this WIB incident, when did you report it?

January 4, 2004

**DAMAGES INFORMATION.** To be completed by claimant.

- (1) Is your basement: ☐ Unfinished  
☐ Partly Finished  
☒ Completely Finished
- (2) If your basement was partially or completely finished, please indicate the square footage of finished square feet.  
400 square finished sq. ft. ☐ unfinished sq. ft.
- (3) Please indicate the type of floor covering that was in your basement prior to the WIB:  
☐ Bare floors ☒ Carpeting ☒ Tile / linoleum
- (4) Please indicate what your basement is used for:  
☒ Storage ☒ Bathroom ☐ Study / Den  
☒ Laundry ☐ Bedroom ☐ Family Room  
☐ Workbench ☐ Bar  
☐ Other (please specify)
- (5) Please attach an inventory of damaged property, using the attached instructions.

**INSURANCE INFORMATION.** To be completed by all claimants.

Do you have insurance on the property that has experienced the WIB? ☐ Yes  
☒ No

If you have insurance on the property, please provide the following information:

The name of your insurance carrier: Gross Insurance Agency, Inc.

Your policy number: DHW08251569H

The amount of your deductible: \$500.00

*No Coverage*



**Please attach a copy of your policy's Declarations Sheet and / or a letter from your carrier indicating that these damages are not covered.**

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**OTHER POTENTIAL CLAIMANTS.**

*We request this information in order to identify any other persons who may have claims for damages as the result of the WIB. Please complete any applicable section.*

- (A) **RENTERS.** If you rent the property that experienced the WIB, please provide the following information about your landlord:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Phone Number: \_\_\_\_\_

- (B) **LANDLORDS:** If you own the property that experienced the WIB:

(1) Please provide the following information about each tenant whom you believe may have incurred damage to personal property as a result of the WIB (attach a separate sheet of paper if necessary):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Unit #: \_\_\_\_\_

- (2) Please also provide the following information:

Is the property held in the name of a corporation, partnership, \_\_\_\_\_ Yes  
or other entity, rather than by individuals? \_\_\_\_\_ No

If yes, provide the name of the entity that owns the property:

\_\_\_\_\_

- (3) Please provide the following information about how we can contact you:

Address: \_\_\_\_\_



City: \_\_\_\_\_ State: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

**VERIFICATION.** *To be completed by all claimants.*

I hereby certify that the information I have provided on this form, as well as the information contained on my inventory of damaged property, is true and accurate to the best of my knowledge.

Pauline Meisenhelder  
Signature of Claimant

January 15, 2004  
Date

**FOR OFFICIAL USE:** *To be completed by MSD and / or City Claims personnel.*

Form received in Claims Section on \_\_\_\_\_ by \_\_\_\_\_

Acknowledgment letter sent to claimant on \_\_\_\_\_ by \_\_\_\_\_ (copy file)

Internal Claims Determination Form sent to MSD on \_\_\_\_\_  
received back in Claims Section on \_\_\_\_\_  
follow up calls made \_\_\_\_\_

Further information requested from MSD? \_\_\_\_\_ Yes \_\_\_\_\_ No

Date of request: \_\_\_\_\_ Mode: \_\_\_\_\_ Email \_\_\_\_\_ Memo \_\_\_\_\_ Oral  
(copy file)

Type of info.  
requested: \_\_\_\_\_

Response to request rec'd on: \_\_\_\_\_

Further information requested from claimant? \_\_\_\_\_ Yes \_\_\_\_\_ No

Date of request: \_\_\_\_\_

Type of info.  
requested: \_\_\_\_\_

Response to request rec'd on: \_\_\_\_\_

Determination: \_\_\_\_\_ Approved (Amount \_\_\_\_\_)  
(Letter w/release sent on: \_\_\_\_\_)  
(Signed release rec'd on: \_\_\_\_\_)  
(Payment sent on: \_\_\_\_\_)

\_\_\_\_\_ Denied (Letter sent on: \_\_\_\_\_)

Additional Notes or Comments:

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**Instructions for Providing  
Inventory of Damaged Property**

If the sewage backup in your basement was the result of negligence on the part of the Metropolitan Sewer District of Greater Cincinnati ("MSD"), MSD and the City of Cincinnati want to see that you are compensated fairly and in accordance with the law for any property damage that may have resulted.

If MSD was negligent, the Claims Section of the City of Cincinnati's Law Department will attempt to settle your claim by offering you a reasonable sum of money. The amount of money the Claims Section offers you will be based on your documented damages. For that reason, it is to your benefit to carefully follow these instructions and to respond to any additional requests from the Claims Section for information about your damages.

**Instructions**

On a separate sheet of paper, make a list of all the items for which you are claiming damages as the result of the WIB. Your list should also include:

For every ELECTRONIC DEVICE or APPLIANCE (e.g., washer, lamp, television):

- Manufacturer
- Model Number, if available
- Approximate Age
- Cost when purchased
- A description of the damage the item sustained in the flood
- Whether the item is still useable
- Receipt, if available
- Picture of the item

For every piece of FURNITURE (e.g., couch, chair, etc.)

- Appropriate descriptive information (e.g., size, type of fabric, etc.)
- Approximate Age
- Cost when purchased
- A description of the damage the item sustained in the flood
- Whether the item is still useable
- Receipt, if available
- Picture of the item

For every other item,

- Appropriate descriptive information
- Approximate age
- Cost when purchased

- A description of the damage the item sustained
- Whether the item is still useable
- Receipt, if available
- Picture

Mail to: City of Cincinnati  
Attn: City Solicitor's Office – MSD Claims  
801 Plum Street  
Cincinnati, OH 45202

3259 HOMEWARD WAY  
FAIRFIELD, OHIO 45014

## A A Plumbing Inc.

INVOICE NO.  
20230

***"Our business has been built on satisfied customers."***

(513) 771-1888 • (513) 863-8181 • (513) 874-1888 • (513) 984-1881  
aacincinnati.com

Sold To: MRS Pauline Meisenhelder Invoice Date: 1-4-07  
363 Princess St Phone #: 771-4656  
STREET OH 45215  
CITY STATE ZIP  
Work Order # \_\_\_\_\_  
PAST DUE CHARGES — 1 1/2% per month  
Referred by: ☐ Yellow Pages ☐ Yellow Book  
☐ Friend/Relative ☐ Other

WORKMAN	DESCRIPTION	UNIT PRICE	TOTAL PRICE
	Emergency Service for		149.00
	Clean main Drain		
	Tackle Toilet out and snake Threw		
	heavy roots & find		
	Find out clean out and snake out main drain		
	All the way Threw to main line full off		
	Roots. Replace closet flange and set Toilet		
	T.V. sewer line line old full off roots		200.
	and Damage with Belley need to be Replace		
	LABOR & PARTS 12 hours		
EXTRA CHARGES			
The above prices, specifications, and conditions are satisfactory and are hereby accepted.			
Customer Signature	<u>Pauline Meisenhelder</u>	SALES TAX	
	<u>Thank you</u>	TOTAL	1200.00

Method of Payment	FOR COMPANY USE ONLY - DO NOT WRITE IN THIS SECTION		
Cash	Recd.		
CC	TD		
Check No. <u>9707</u>	EXP. DATE		

3259 HOMEWARD WAY  
FAIRFIELD, OHIO 45014

## A A Plumbing Inc.

INVOICE NO.  
20231

***"Our business has been built on satisfied customers."***

(513) 771-1888 • (513) 863-8181 • (513) 874-1888 • (513) 984-1881  
aacincinnati.com

Sold To: MRS Pauline Meisenholder Invoice Date: 1-5-04  
363 Princess Ct Phone #: 771-4656  
STREET Cincinnati 45215  
CITY STATE ZIP  
Work Order # \_\_\_\_\_  
PAST DUE CHARGES — 1 1/2% per month  
Referred by: ☐ Yellow Pages ☐ Yellow Book  
☐ Friend/Relative ☐ Other

WORKMAN	DESCRIPTION	UNIT PRICE	TOTAL PRICE
	Plumbing Service for Replace main sewer line from clean out, outside Building up to side walk Digging, and Install New P.V.C. 30 R. 356" pipe. Back fill Dirt. pile Dirt on Top of The Ditch. Extra Dirt stay on site. if we hit Gas line will be extra charge for Replacement. if we need to cut Trees will be extra (No) responsibilities EXTRA CHARGES for Damage The Yard OR Concrete		
The above prices, specifications, and conditions are satisfactory and are hereby accepted.		SALES TAX	
Customer Signature <u>Pauline Meisenholder</u> <u>paid in full</u>		TOTAL	<u>14200.00</u>
Method of Payment Cash _____ CC _____ Check No. <u>9710</u>		FOR COMPANY USE ONLY - DO NOT WRITE IN THIS SECTION Recd. <u>920</u> TD _____	

**GROSS INSURANCE AGENCY, INC.**

PO BOX 75249

FORT THOMAS, KY 41075-0249

Phone: 859-781-0434 Fax: 859-781-1780

**Joseph & Pauline Meisenhelder**  
 363 Princess Court  
 Cincinnati, OH 45215

**MEMO**

Page 1

ACCOUNT NO.	OF	DATE
MEISJO1	RS	01/12/2004

POLICY #	POLICY INFORMATION
DHW08252569H	

TYPE	EFFECTIVE	EXPIRATION
HOME	10/14/2003	10/14/2004

Joe &amp; Pauline

Re: HOMEOWNERS

Per your request, attached please find a copy of your current homeowners declaration page. As we explained on the phone, you do not have the endorsement on your policy to cover Water Damage from Sewers/Drains backup.

Thanks.

**RHODA STRASSEL**



**West American Insurance Company**

9450 SEWARD ROAD, FAIRFIELD, OHIO 45014

1-800-345-6664

**HOMEOWNER RENEWAL CERTIFICATE**POLICY NO.  
DHW 08252569ST. TERR. AGENT  
34 55 7508POLICY PERIOD  
FROM TO TERM  
10/14/2003 10/14/2004 ONE YEAR**INSURED**JOSEPH M. MEISENHOLDER  
& PAULINE L.  
363 PRINCESS CT  
CINCINNATI OH 45215-1038AGENT **TELEPHONE: (859)781-0434**JOSEPH P. SINGLER  
C/O GROSS INSURANCE  
PO BOX 75249  
FT THOMAS KY 41075-0249**FIRST MORTGAGEE**THE CENTRAL TRUST CO N A CENTRAL  
NE DEPT  
201 E 5TH ST  
CINCINNATI OH 45202-4152**SECOND MORTGAGEE****1ST LOAN NUMBER****2ND LOAN NUMBER**

D-HO-1-L (7-91)

THE DESCRIBED INSURED LOCATION IS LOCATED AT: 363 PRINCESS CT CINCINNATI OH 45215-1038

**PROPERTY COVERAGE****LIABILITY COVERAGE**

A. DWELLING	B. OTHER STRUCTURES	C. PERSONAL PROPERTY	D. LOSS OF USE	E. PERSONAL LIABILITY EACH OCCURRENCE	F. MEDICAL PAYMENTS TO OTHERS EACH PERSON
\$103,624	\$10,362	\$72,536	\$31,087	\$100,000	\$1,000
BASIC PREMIUM	ADDITIONAL PREMIUM			TOTAL PREMIUM	
\$321.00	\$48.00			\$369.00	

DEDUCTIBLE - PROPERTY COVERAGE, IN CASE OF LOSS WE COVER ONLY THAT PART OF THE LOSS OVER THE DEDUCTIBLE STATED.

**\$500 FLAT ALL PERILS.**

TERR	PREM GROUP	PROT CLASS	NO. OF FAMILIES	TOWN	YEAR CDNST
43	65	5	1		1955

CONSTRUCTION: **FRAME**

COVERAGE A HAS BEEN INCREASED FROM \$101,124 TO REFLECT THE CURRENT CONSTRUCTION COST IN YOUR AREA. PLEASE CONTACT YOUR AGENT IF YOU HAVE ANY QUESTIONS.

THERE IS A CHANGE IN THE DEDUCTIBLE PROVISION OF YOUR POLICY.

IMPORTANT COVERAGE CHANGES HAVE BEEN MADE TO YOUR POLICY. SEE ATTACHED NOTICE TO POLICYHOLDERS, OCH-164, FOR DETAILS.

MARKET 9

CURRENT EDITION OF FORMS WILL BE SUBSTITUTED AT EACH RENEWAL DATE FOR EARLIER EDITIONS IF REVISED DURING THE PREVIOUS POLICY TERM.

* HO-0003	10-00	
* HO-0496	10-00	
* OCH-52	10-00	
* OCH-2444	10-00	
* OCH-231	11-01	
* OCH-163	10-00	
* OCH-0134	08-01	
* AO-8717	04-02	
* OCH-147	05-00	
* OCH-772	10-00	48.00

INSURANCE IS PROVIDED ONLY WITH RESPECT TO THE COVERAGES FOR WHICH A LIMIT OF LIABILITY IS SPECIFIED, SUBJECT TO ALL CONDITIONS OF THIS POLICY.

YOUR BUSINESS IS APPRECIATED. CONSULT YOUR AGENT ON ALL INSURANCE MATTERS.



# WIB PROPERTY DAMAGE REPORT

WIB Incident No. 094

Customer Service Representative: T Giacobbe

Customer Name: Pauline Meisenhelder

Address: 363 Princess Ct. City: Cincinnati Zip: 45215

Room     

Item Description	Quantity	To Be Cleaned & Saved	To be Disposed of Offsite	Comments
drywall			✓	
baseboards			✓	
carpet			✓	
books	1 box		✓	
baskets	24		✓	
basket of books	1		✓	

The items above were checked against the WIB Incident Report completed on Date: 01/11/04 and there were no significant differences.

Customer Signature: Pauline Meisenhelder

Printed Name: PAULINE MEISENHELDER

Date: Jan. 21, 2004

# WIB PROPERTY DAMAGE REPORT

WIB Incident No. 094

Customer Service Representative: T. G. Gable

Customer Name: P. Meisenholder

Address: 363 Princeps City: Clark Zip: 45215

Photo #	Room	Item Description	Manufacturer / Model #	Quantity	Comments
201	1	overall			
202	2	"			
203	2	"	drywall		to be disposed
204	2	"			
205	3	"			
206	3	"			
207	3	"			
208	3	baseboards			to be disposed
209	4	overall			
210	4	overall			
211	4	carpet			to be disposed
212	4	dryer - H <sub>2</sub> O level			
213	4	washer - H <sub>2</sub> O level			
214	4	w/d - H <sub>2</sub> O level			

The items above were checked against the WIB Incident Report completed on

Date: 12/11/04 and there were no significant differences.

Customer Signature: P. Meisenholder

Printed Name: Pauline Meisenholder

Date: 12/11/04

# WIB PROPERTY DAMAGE REPORT

WIB Incident No. 094

Customer Service Representative: T. Givette

Customer Name: P. Meisenholder

Address: 363 Poncan Ct City: Grati Zip: 45215

Photo #	Room	Item Description	Manufacturer / Model #	Quantity	Comments
215	4	door (swollen)			
216	1	baseboards			to be disposed
217	1	wall - w/o cloth			
218	1	wall w/ cloth			
220	4	books - box		1	to be disposed
220	4	box of sentimental items		1	Keep items
222	4	books clasp			to be disposed
223	4	baskets		2	to be disposed
224	4	basket of books		1	"
225	4	misc. items (rubish, paper bags)			
226	4	bag of old soda cans			
227		lawn			
228		lawn			

The items above were checked against the WIB Incident Report completed on

Date: 01/11 and there were no significant differences.

Customer Signature: Pauline Meisenholder

Printed Name: P. Meisenholder

Date: 01/11/04

Damages as a result of water in basement unless otherwise mentioned, all articles were discarded.

- 1 entire front yard torn up and destroyed
- 2 rug completely destroyed
- 3 toilet broken when plumber removed it to find reason for water back up kept toilet
- 4 baseboards removed and some of dry wall in bathroom removed and need to be replaced
- 5 post cards bought during travel on vacations
- 6 Children's books, bible, history, geography and religious and other important reading gone
- 7 4 baskets received at Christmas over many years from Procter and Gamble destroyed
- 8 homemade bow and arrow destroyed
- 9 tiles loose and cracked, worse in <sup>in</sup> bathroom area <sup>(tiles still in place)</sup>
- 10 4 rolls wrapping paper, 2 rolls paper towels, 2 packages toilet tissue
- 11 door to utility room will not shut, but still in place

photo enclosed showing replaced pipe in street. This turned out to be the cause of sewer back up into basement.

Note: plumber had replaced all pipes in yard and discovered that it was not the cause of flooding.





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- 1 entire front yard torn up and destroyed
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  - 3 toilet broken when plumber removed it to find reason for water backup kept toilet
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  - 6 children's books, bible, history, geography and religious and other important reading gone
  - 7 <sup>4</sup> baskets received at Christmas over many years from Procter and Gamble destroyed
  - 8 homemade bow and arrow destroyed
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photo enclosed showing replaced pipe in street. This turned out to be the cause of sewer backup into basement.

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